

## § 217.31

(c) The applicant files an application more than three months before the date on which the eligible person's benefit can begin except if the application is for an employee disability annuity or for a spouse annuity filed simultaneously with the employee's disability annuity application.

[47 FR 7647, Feb. 22, 1982, as amended at 67 FR 42714, June 25, 2002]

### § 217.31 Applicant's right to appeal denial.

Each applicant is given the right to appeal the denial of his or her application if he or she does not agree with the Board's decision. The appeals process is explained in part 260 of this chapter.

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AUTHORITY: 45 U.S.C. 231f(b)(5).

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### Subpart A—General

#### § 218.1 Introduction.

This part tells when a person's entitlement to a monthly railroad retirement annuity begins and ends. Ordinarily, an annuity begins on the earliest date permitted under the Railroad Retirement Act (Act). This part also tells when and how a person may select a later beginning date. Included is an explanation of how work and certain types of special payments affect the beginning date of an employee or spouse annuity.

#### § 218.2 Definitions.

As used in this part:

*Applicant* means a person who signs an application for an annuity for himself, herself or for some other person.

*Application* means a form described in part 217 of this chapter.

*Award* means to process a form to make a payment.

*Claimant* means the person for whom an annuity application is filed.

*Filing date* means the date on which an application or written statement is filed with the Board.

*Tier I benefit* means the benefit calculated using the Social Security formulas and is based upon earnings, both in and outside the railroad industry.

*Tier II benefit* means the benefit calculated under a formula found in the Act and is based only upon railroad earnings.